

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

JOSE GARCIA

Plaintiff,

vs.

CARIBBEAN SUN AIRLINES, INC. d/b/a
WORLD ATLANTIC AIRLINES

Defendant.

Case No:

District Judge:

NOTICE OF REMOVAL

Defendant Caribbean Sun Airlines, Inc., d/b/a World Atlantic Airlines, by and through its attorneys Esparza & Garza, L.L.P. and KMA Zuckert LLC, hereby removes this pending action, Case No. 2020-DCL-02659, from the 357TH District Court of Cameron County, Texas, to the United States District Court for the Southern District of Texas, Brownsville Division, on the following ground:

1. This action was commenced against World Atlantic Airlines in the 357TH District Court of Cameron County, Texas, by the filing of an Original Petition on June 4, 2020. *See* Original Petition attached as Exhibit A. In accordance with 28 U.S.C. § 1446(a), Defendant World Atlantic Airlines attaches to this Notice of Removal a copy of all process, pleadings, and orders on file in the 103rd District Court of Cameron County action at the time of removal that pertain to World Atlantic Airlines. *See* Exhibits B attached hereto.

2. In accordance with 28 U.S.C. § 1446(d), following the filing of this Notice, written notice of the filing of this Notice of Removal will be given to the Plaintiffs and will be filed with the Clerk of Court for the Circuit Court of Cameron County, Texas.

3. This Notice of Removal is timely in accordance with 1446(b). Plaintiffs provided defendants notice of the pleadings on or around July 21, 2020 via United States Postal Service Mail.

4. Plaintiff alleges that on or around July 15, 2019, defendant World Atlantic Airlines operated a flight from Brownsville, Texas to Columbus, Georgia. Plaintiff claims that he was a passenger aboard this flight. Plaintiff claims that the plane experienced a rough landing, and Plaintiff experienced injuries as a result. Plaintiffs seek damages in excess of \$1,000,000 for personal injuries each of them allegedly sustained in the landing incident. *See Exhibit A, Original Petition, p. 3.*

GROUND FOR REMOVAL

ORIGINAL JURISDICTION FOUNDED ON DIVERSITY OF CITIZENSHIP UNDER 28 U.S.C. § 1332

5. This is a civil action over which this Court has original jurisdiction based on the existence of diversity of citizenship between the parties pursuant to 28 U.S.C. § 1332, and is one which may be removed to this Court by World Atlantic Airlines pursuant to the provisions of 28 U.S.C. § 1441(a), in that it is a civil action wherein the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of a State and a citizen or subject of a foreign state.

6. Plaintiff is a resident of the state of Texas. *See Exhibit A, Original Petition, p. 1.*

7. For the purposes of 28 U.S.C. §§ 1332 and 1441, “a corporation shall be deemed a citizen of every State and foreign state by which it has been incorporated and the state or foreign state where it has its principal place of business. . . .” 28. U.S.C. § 1332(c)(1).

8. World Atlantic Airlines is not now and never has been a citizen of the State of

Texas. World Atlantic Airlines is now and at all times relevant to this action was a corporation organized and existing under the laws of Delaware with its principal place of business located in Miami, Florida. *See Exhibit C, Declaration of Tomas Romero.*

9. Plaintiff's claim arises from the landing incident involving a World Atlantic Airlines flight. Plaintiff alleges that he sustained injuries of a personal and pecuniary nature, including bodily injury. *See Exhibit A, Original Petition, p. 3.* The amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs. *See Exhibit A, Original Petition, p. 3.*

10. World Atlantic Airlines is the only defendant in this lawsuit and therefore no consent is required pursuant to 28 U.S.C. § 1446(b)(2)(A).

11. Accordingly, this action may be removed to this Court pursuant to the provisions of 28 U.S.C. § 1332 and 1441(a).

WHEREFORE, World Atlantic Airlines, prays that the above-entitled action now pending in the 357th District Court of Cameron County, Texas be removed to the United States District Court for the Southern District of Texas, Brownsville Division, pursuant to 28 U.S.C. §§ 1441 and 1332.

Dated: August 14, 2020

Respectfully submitted,

ESPARZA & GARZA, L.L.P.
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By: /s/ Eduardo G Garza

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CERTIFICATE OF SERVICE

On August 14, 2020, pursuant to Fed. R. Civ. P. 5 and LR 5.5, a true and correct copy of the foregoing Notice of Removal was filed with the Clerk of Court using the CM/ECF System, which will send notification of such filing to the attorneys of record at the email addresses on file with the court, or was served by the method indicated below:

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/s/ Eduardo G Garza
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